

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSE DOLORES VARGAS,
Petitioner,
v.
PATWIN HORN,
Respondent.

Case No. 2:23-cv-00201-MCS-PD
**ORDER ACCEPTING REPORT
AND ADOPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES
MAGISTRATE JUDGE, AND
DENYING A CERTIFICATE
OF APPEALABILITY**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records on file, and the Report and Recommendation of United States Magistrate Judge (“Report”). No objections to the Report were filed. The Court accepts the Report and adopts it as its own findings and conclusions. Accordingly, the Petition is denied with prejudice.

Further, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right or that the court erred in its procedural ruling and, therefore, a certificate of appealability will not issue in

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2 this action. See 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v.*
3 *Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484
4 (2000).

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6 DATED: January 31, 2024



7 MARK C. SCARSI
8 UNITED STATES DISTRICT JUDGE

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